THE HONOURABLE SRI JUSTICE V.ESWARAIAH

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Date:27-12-2005

WRIT PETITION No. 2012 OF 2005

BET WEEN:

Fisheries Co-operative Society Ltd., Malchalma (Village) Zaheerabad Mandal, Medak District, rep. by its President Shaik Nizamuddin.

…Petitioner

And

The Commissioner, Department of Fisheries, Mastya Bhavan, Santhinagar Colony, Hyderabad & others.

…Respondents

ORDER:

Heard the learned counsel appearing for the petitioner as well as the learned Government Pleader.

The petitioner questions the notice dated 22-01-2005 issued by the third respondent informing the petitioner society about conducting the

skill test by three man committee and submitting report to the first respondent on the ground that the department cannot conduct the proposed skill test and it is for the society to admit or not to admit any member and there is no sufficient water area and viability giving rise to admit any more members.

A counter has been filed by the respondents stating that the petitioner society was originally registered with 15 members, out of them, 3 members died and the area of operation of the petitioner society is Malchelma of Zaheerabad Mandal, which extends to the tanks of Veeranna Vagu project, Siddi Cheruvu and Seethamma Cheruvu and the total water spread area is 179 acres. It is further stated that the petitioner society passed a resolution on 14-12-2002 for admission of 13 persons into the society. A committee was constituted by the Commissioner of Fisheries to conduct a skill test for admission of the said 13 persons as recommended by the General Body, but so far, except conducting the skill test, the said 13 persons have not been enrolled as members. It is further stated that some 32 other persons also filed representation, requesting to enroll them as members of the society. Accordingly, the second respondent directed the Fisheries Development Officer, Sangareddy to conduct a skill test, but he did not conduct any skill test and not submitted the report. Therefore, the impugned notice dated 22-1-2005 has been issued to conduct a skill test on 10-2-2005 and at the request of the president of the petitioner society, the date of skill test was changed to 12-2-2005. The committee conducted the skill test in respect of 32 persons and the persons proposed by the president of the petitioner society have not attended the said test. As per the norms, 59 persons can be accommodated in said society. Presently 12 members are existed in the society and therefore, admission of 32 persons who have passed the skill test is within the permissible limits and therefore, it cannot be said that admission of any more members is not viable.

In view of the aforesaid counter and having regard to the facts and circumstances of the case, I do not find any infirmity or irregularity

legal or otherwise in the impugned notice issued by the 3rd respondent for conducting skill test for the said 32 persons. I do not see any merits in the writ petition.

Accordingly, the writ petition is dismissed. No costs.

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V.ESWARAIAH, J

Date: 27-12-2005.

Shr.